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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/917,995

07/30/2001

James S-B Spragins

SPRG1

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09/08/2006

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/917,995

Applicant(s)

SPRAGINS, JAMES S-B

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

1. This action is responsive to communications: Amendment filed 06/01/2005 to the original application filed 07/30/2001.
2. Claims 1-30 are currently pending in this application. Claims 1, 11, and 21 are independent claims.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Claims 1-3, 7-8, 10-13, 17-18, 20-23, 27-28, and 30 are rejected under 35 U.S.C. 103(a) as being **Lewis et al.** (U.S. 6,611,802, filed 06/1999) in view of **Muranaga et al.** (U.S. 5,671,4298, issued 09/1997).

**As to claims 1, 11, and 21:**

Lewis teaches (*see the Abstract*) a method, a computer program product, and a system that enable one to give feedback (*e.g., highlighting each the word in the electronic document corresponding to the marked textual error marked in the marking*) on an electronic writing (*e.g., an electronic document*) created with a word processing software by another seeking the feedback and wherein the writing being displayable using the software on a video display of a computer system (*e.g., displaying an explanation for each marked textual error in a user interface... suggesting a recommended change to the marked textual error; displaying the recommended change in the user interface*), the method comprising the steps of:

- developing a set of editorial markings that are insertable into the writing (*e.g., fig. 3E shows a set of editorial markings 27. The editorial markings 27 can be selected to add/remove from the grammar rules control interface 9. For example, when “Run-on sentence” is selected, a run-on sentence problem in the writing will be detected. As shown in fig. 3G, a run-on sentence in the writing is detected and the change to correct the sentence is suggested*);
- selecting from the set of editorial markings a marking to be inserted into the writing (*e.g., selecting proofreading criteria for identifying textual errors*

*contained in the electronic document; col.2, lines 16-28 & col.3, lines 1-19; see also fig. 3E and the associated text);and*

- inserting the marking (*e.g., marking textual errors*) into the electronic writing (*e.g., in an electronic document*) so as to create a version (*e.g., the document created after “textual errors” were marked*) of said electronic writing that has inserted into said version at least of said insertable editorial markings (*see the discussion beginning at col.11, line 3*).

Lewis, however, does not specifically teach the saving step as claimed.

Muranaga teaches the saving step (*e.g., the document data including the relation between the “Document” structure unit and the “Comment” structure unit...are stored into the document database 4; see the discussion beginning at col.12, line 66*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Muranaga with Lewis because Muranaga’s teaching would have provided data managing means for retrieving and storing document data in which the document in the new and old versions, the comment attached to the document, and version data indicating a modification made in the document between the new version and the old version are linked together.

**As to claims 2, 12, and 22:**

Lewis teaches compiling summary statistics for the saved markings that communicate information pertaining to the use of the markings in the writing (*col.3, lines 20-28 & see fig.3G*).

**As to claims 3, 13, and 23:**

Lewis teaches filtering the inserted markings so that only a specified portion of such markings remain in the writing when it is returned to its writer (*col. 11, line 55-col.12, line 7*).

**As to claims 7, 17, and 27:**

Lewis teaches chosen from, among other things, the group consisting of capitalization (*e.g., capitalization; col.1, lines 40-52*).

**As to claims 8, 18, and 28:**

Lewis teaches the compiled summary statistics communicate information selected from, among other things, specified skills that the writer would need to focus upon in order to improve the writer's writing skills writer (*see the Abstract*).

**As to claims 10, 20, and 30:**

Lewis teaches the inserted marking having an associated editorial comment that is insertable in the writing (*col.3, lines 1-65 and see fig.3G*).

5. Claims 4-6, 9, 14-16, 19, 24-26, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lewis et al.** in view of **Muranaga** as applied to independent claims 1, 11, and 21 above and further in view of **Driscoll et al.** (U.S. 5,987,302 – issued 11/1999).

**As to claims 4-6, 14-16, and 24-26:**

The combination of Lewis and Muranaga does not explicitly teach “*hyperlinking the inserted marking to a website that exists on a network of linked computers.*”

Driscoll teaches hyperlinking the inserted marking to a website that exists on a network of linked computers (*col.3, lines 8-10; col.7, lines 34-54; col.9, line 23-col.10, line 14 and see figs. 7-17*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Driscoll with Lewis as modified by Muranaga because it would have offered students the opportunity to prepare practice essays, submit the essays to trained, expert readers, and retrieve an evaluation at the student’s convenience.

**As to claims 9, 19, and 29:**

The combination of Lewis and Muranaga does not specifically teach “*the website having information chosen from the group consisting of detailed explanations of the markings and exercises that one can undertake in order to strengthen those writing skills which are denoted by the inserted markings as representing areas in which the writer needs improvement.*”

Driscoll teaches the website having information chosen from the group consisting of detailed explanations of the markings and exercises that one can undertake in order to strengthen those writing skills which are denoted by the inserted markings as representing areas in which the writer needs improvement (*col.4, lines 47-65/ col.6, line 50 – col.7, line 1*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Driscoll with Lewis as modified by Muranaga because it would have provided useful instructional feedback to students about their skills relative to the assessment.

***Response to Arguments***



6. Applicants' arguments filed 06/01/2005 have been fully considered but they are not persuasive.

- a. Applicant argues in substance that *Lewis does not have any intention to create "a new version of a student's electronic writing which has inserted into it editorial markings which can give the student the instruction feedback on the quality of the student's original electronic writing"* [Remarks, page 4].

In response, Lewis teaches a new version (*e.g., the document created after "textual errors" were marked*) of a student's electronic writing (*e.g., in an electronic document*) which has inserted into it editorial markings (*e.g., marking textual errors*) which can give the student (*e.g., a person who is "reviewing each the marked textual error"*) the instruction feedback on the quality of the student's original electronic writing (*see the Abstract and the discussion beginning at col. 11, line 3*).

- b. Applicant argues that Lewis does not teach "a set of insertable editorial markings" [Remarks, page 4].

In response, Lewis teaches a set of insertable editorial markings (*e.g., fig. 3E shows a set of editorial markings in which each of editorial markings 27 could be selected and inserted or removed from the markings*).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Domini et al. U.S. Patent No. 6,085,206 Issued: Jul. 4, 2000
- Hanson U.S. Patent No. 6,457,031 Issued: Sep. 24, 2002
- New Word Order "The Attack of the Incredible Grading Machine", by Clive Thompson, Lingua Franca-July/August 1999, pp. 1-25.

***Contact information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached at (571) 272-4136.
- The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WILLIAM BASHORE  
PRIMARY EXAMINER